

## ADR SURVEY OF ATTORNEYS

### Pilot project results

March 2002

**Figure 1: Respondents by county**

COUNTY	# OF RESPONSES	% OF TOTAL
Waukesha	286	45.5%
Winnebago	163	26.0%
LaCrosse	121	19.2%
Oneida	31	4.9%
Calumet	28	4.5%
<b>TOTAL</b>	<b>629</b>	<b>100%</b>

**Figure 2: Case code/type**

CASE CODE/TYPE	# OF CASES	% OF TOTAL
30101: Pers. injury – auto	464	73.9%
30107: Pers. injury – other	86	13.7%
30106: Intentional tort	28	4.5%
30201: Property damage	16	2.5%
30100: Products liability	12	1.9%
30104: Med. malp. – Ch. 655	11	1.8%
30103: Med. malp. - other	6	1.0%
30105: Wrongful death	5	0.8%
<b>TOTAL</b>	<b>628</b>	<b>100%</b>

**Figure 3: Frequency of ADR use**

WAS ADR USED?	# OF CASES	% OF TOTAL
Yes	333	53.2%
No	293	46.8%

**Figure 4: Why ADR was not used**

REASON	# OF CASES	% OF TOTAL
“Other”*	235	85.2%
Case inappropriate for ADR	37	13.4%
Defendant declined	4	1.5%
Plaintiff declined	0	0%
<b>TOTAL</b>	<b>276</b>	<b>100%</b>

\* The most common “other” reason was direct negotiations among attorneys.

**Figure 5: Type of ADR used**

<b>ADR TYPE</b>	<b># OF CASES</b>	<b>% OF TOTAL</b>
Mediation	325	97.9%
“Other”*	6	1.8%
Summary jury trial	1	0.3%

\* The “other” ADR type listed was binding arbitration.

**Figure 6: ADR as a factor in settlement**

<b>EXTENT OF ADR AS A FACTOR</b>	<b># OF CASES</b>	<b>% OF TOTAL</b>
Major factor	189	64.3%
Somewhat of a factor	80	27.2%
Sole factor	16	5.4%
No factor	9	3.1%
<b>TOTAL</b>	<b>294</b>	<b>100%</b>

**Figure 7: Case type and ADR method used**

<b>CASE TYPE</b>	<b>MEDIATION</b>	<b>OTHER (binding arb.)</b>	<b>SUMMARY JURY TRIAL</b>
Pers. injury – auto	254	6	1
Pers. injury – other	41	0	0
Intentional tort	10	0	0
Products liability	6	0	0
Med. malp. – Ch. 655	4	0	0
Property damage	3	0	0
Med. malp. – other	3	0	0
Wrongful death	3	0	0
<b>TOTAL</b>	<b>324</b>	<b>6</b>	<b>1</b>

**Figure 8: Case type and ADR method used,\* by county**

<b>CASE TYPE</b>	<b>Waukesha</b>	<b>Winnebago</b>	<b>LaCrosse</b>	<b>Oneida</b>	<b>Calumet</b>	<b>TOTALS</b>
Pers. injury – auto						
Mediation	130	57	43	13	11	<b>254</b>
Bind. arb.	3	0	2	1	0	<b>6</b>
Summ. jury trial	0	1	0	0	0	<b>1</b>
Pers. injury – other	12	10	16	0	3	<b>41</b>
Intentional tort	8	0	0	2	0	<b>10</b>
Products liability	4	0	2	0	0	<b>6</b>
Med. malp. – Ch. 655	2	2	0	0	0	<b>4</b>
Property damage	3	0	0	0	0	<b>3</b>
Med. malp. – other	0	0	2	0	1	<b>3</b>
Wrongful death	1	2	0	0	0	<b>3</b>
<b>TOTALS:</b>	<b>163</b>	<b>72</b>	<b>65</b>	<b>16</b>	<b>15</b>	<b>331</b>

\* ADR method is mediation unless otherwise indicated.